

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

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IMPERIUM IP HOLDINGS (CAYMAN), LTD., )

Plaintiff and Counterclaim Defendant, )

v. )

SAMSUNG ELECTRONICS CO., LTD., )  
SAMSUNG ELECTRONICS AMERICA, INC., )  
SAMSUNG TELECOMMUNICATIONS )  
AMERICA, LLC, AND SAMSUNG )  
SEMICONDUCTOR, INC. )

Defendants and Counterclaim Plaintiffs. )

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Case No. 4:14-cv-00371 (ALM)

**NOTICE OF APPEAL**

Notice is hereby given that Defendants and Counterclaim Plaintiffs Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, and Samsung Semiconductor, Inc. (collectively “Samsung”) appeal to the United States Court of Appeals for the Federal Circuit from the Judgment of this Court entered on August 24, 2016 (D.I. 330), as amended by order entered on April 27, 2017 (D.I. 360); from the Order denying Samsung’s Rule 50(b) Motion for Judgment as a Matter of Law and/or Rule 59 Motion for a New Trial (D.I. 359); from the Order denying Samsung’s Rule 60(b) Motion for Reconsideration on Enhanced Damages (D.I. 361); and from any and all other judgments, orders, opinions, rulings, and findings that merge therein or are pertinent or ancillary to the foregoing, including, by way of illustration and not in limitation of the foregoing: the Court’s Jury Instructions and orders on objections to the same (D.I. 246; D.I. 250; D.I. 276); the Order denying Samsung’s Motion to Stay Litigation pending Determination of Imperium’s Breach of the Sony License by



the District Court of Delaware (D.I. 215); the Order denying Samsung's Motion for Leave to File Motion for Summary Judgment Out-of-Time (D.I. 219); the Orders on Samsung's Motions *in Limine*, and the Order bifurcating the Sony License Agreement issues from Trial/precluding presentation of the Sony License defense at Trial (D.I. 230; D.I. 231; D.I. 254; D.I. 260); the Order granting Enhanced Damages and on the Sony License Agreement (D.I. 329); the Order granting Imperium's request for a midtrial sanction striking defenses and the Curative Instruction (D.I. 236; D.I. 244; D.I. 270; D.I. 271; D.I. 272; D.I. 273; D.I. 274; D.I. 275); the Order denying Motion to Exclude the Opinions of Dr. Wright on Willfulness (D.I. 224); the Order denying the Motion to Compel Deposition Testimony of Alan Fisch (D.I. 218); the Order denying Motion to Exclude Opinions of Ms. Riley (D.I. 225); the Order denying Samsung's Motions to Strike Products Imperium Failed to Accuse in its 029 Contentions from Imperium's Expert Report, to Strike Portion's of Dr. Wright's Rebuttal Report concerning Validity, for Leave to File Further Claim Construction, and for Leave to Submit Supplemental Expert Reports (D.I. 230; D.I. 260; D.I. 328); the Court's Claim Construction Order (D.I. 105); the Order denying Samsung's Motion for Leave to Amend Invalidity Contentions (D.I. 300); and from any and all related adverse Orders, rulings, and judgments.

Payment of the required fee of \$505 is provided with this Notice of Appeal. This fee includes the \$500 fee for docketing a case on appeal as required by 28 U.S.C. § 1913 and Fed. Cir. R. 52(a), and the \$5 fee for filing a notice of appeal as required by 28 U.S.C. § 1917.

Samsung respectfully acknowledges that briefing on ongoing royalties under 35 U.S.C. § 283 remains pending and the amount of prejudgment interest has not been determined. To the extent that this appeal is not ripe, Samsung requests that this notice of appeal be treated as filed



on the date a final appealable judgment is entered pursuant to Fed. R. App. P. 4(a)(2) and/or Fed. R. App. P. 4(a)(4)(B)(ii).

Respectfully submitted,

Dated: May 26, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2017, a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

By: /s/ Clyde M. Siebman  
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